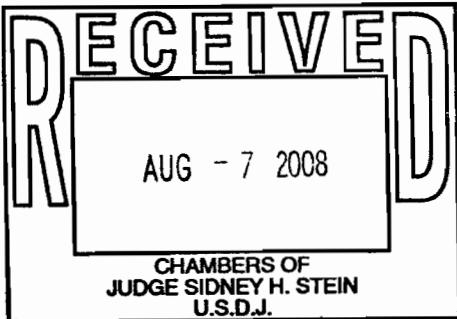


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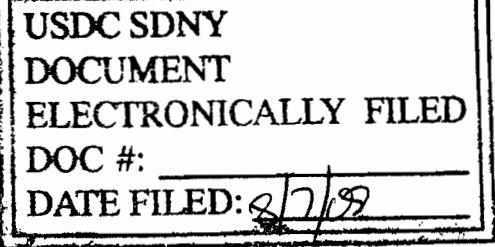
MELBOURNE • SYDNEY

August 7, 2008

MEMO ENDORSED

By Hand

Honorable Sidney H. Stein, U.S.D.J.,
United States District Court,
Southern District of New York,
United States Courthouse,
500 Pearl Street,
New York, NY 10007-1312.



Re: Luminent Mortgage Capital, Inc. et al. v. Barclays Capital, Inc.
07 Civ. 10275 (SHS)

Your Honor:

I represent defendant Barclays Capital Inc. ("BCI") in the above-referenced matter. We have received the Court's order of August 6 dismissing BCI's motion to dismiss without prejudice, with the ability to renew the motion in the event that mediation is unsuccessful. Because BCI's motion to dismiss was pending since January 2008, BCI has not yet filed an answer to plaintiffs' Complaint or counterclaims against plaintiffs. Because the Court has deferred consideration of BCI's motion to dismiss until after the parties have had an opportunity to attempt to resolve the matter through mediation, we presume that BCI's answer and counterclaims will not be due, consistent with Federal Rule of Civil Procedure 12(a)(4), until ten days after the Court rules on any renewed motion to dismiss. We have discussed this issue with plaintiffs' counsel, and they do not object to such a deadline.

Please let us know if the Court agrees with this interpretation of its ruling, or has any questions regarding this matter.

Respectfully submitted,

Jeffrey T. Scott

SO ORDERED 8/7/08

SIDNEY H. STEIN
U.S.D.J.

cc: Michael Petrella, Esq.